



BOULT • CUMMINGS  
CONNERS • BERRY PLC

RECEIVED

April A. Ingram  
(615) 252-2302  
Fax (615) 252-6302  
Email aingram@boultoncummins.com 08

T.R.A DOCKET ROOM

February 10, 2004

Joe Werner, Telecommunications Chief  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

**VIA HAND DELIVERY**

Re Kentucky Data Link, Inc., d/b/a Cinergy Networks CLEC Application  
Docket # 04-00011

Dear Mr. Werner

In response to your Information Request letter dated January 23, 2004, Kentucky Data Link, Inc., d/b/a Cinergy Networks is pleased to submit an original and 13 copies of their responses. Attachments enclosed include updated financial statements in the enclosed sealed envelopes. Please be aware that these materials are strictly confidential and should not be shared with members of the public or other telecommunications services providers.

If you need other information regarding this Application, please feel free to call me at 252-2302.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By

April A. Ingram

AAI/aa1

Enclosure

cc Tony Candelario

- 1 A copy of Kentucky Data Link, Inc 's filed Application for Registration of Assumed Corporate Name in which Kentucky Data Link, Inc. was granted authority by the Tennessee Secretary of State to use the assumed name of "Cinergy Networks" is enclosed herewith Kentucky Data Link, Inc 's certificate of authorization to transact business is included with its filed Petition as Exhibit C
- 2 Please find enclosed herewith a copy of the Amendment to the Letter of Credit previously provided to the Authority which amends the Letter of Credit to reflect the name on the application: Kentucky Data Link, Inc d/b/a Cinergy Networks
- 3 The Balance Sheet dated September 30, 2002 that was provided to the Authority with KDL's original application was inadvertently labeled as such In actuality, said Balance Sheet should have been dated September 30, 2003. I have enclosed a revised copy of same herewith. KDL wishes to apologize for the inconvenience caused by this inadvertent error Furthermore, September 30<sup>th</sup> is the date of KDL's fiscal year end and the 2003 numbers provided on the spreadsheet are final numbers
- 4 KDL agrees to follow and abide by all Tennessee Regulatory Authority Rules, specifically 1220-4-8- 02 through 1220-4-8- 04
- 5 Enclosed herewith is the sworn pre-filed testimony of Mr John C. Greenbank, President of KDL, which describes KDL's technical and managerial ability to provide telecommunications services in the State of Tennessee
- 6 There have been no complaints filed with state or federal regulatory agencies involving KDL or any of its affiliated companies
- 7 At this time, KDL does not intend to provide voice grade service. Should KDL decided in the future to offer voice grade service, KDL will subscribe to and/or participate in BellSouth's TAR Code database in order to insure compliance with Tennessee's County Wide Calling Statute.

State of Tennessee



Department of State  
Corporate Filings  
312 Eighth Avenue North  
6th Floor, William R. Snodgrass Tower  
Nashville, TN 37243

APPLICATION FOR  
REGISTRATION OF  
ASSUMED CORPORATE

NAME  
**FILED**

For Office Use Only

2002 FEB 19 AM 11:03  
RECEIVED  
SECRETARY OF STATE

Pursuant to the provisions of Section 48-14-101(d) of the Tennessee Business Corporation Act or Section 48-54-101(d) of the Tennessee Nonprofit Corporation Act, the undersigned corporation hereby submits this application

1 The true name of the corporation is Kentucky Data Link, Inc.

2 The state or country of incorporation is Kentucky

3 The corporation intends to transact business in Tennessee under an assumed corporate name.

4 The assumed corporate name the corporation proposes to use is

Cinergy Networks

[NOTE: The assumed corporate name must meet the requirements of Section 48-14-101 of the Tennessee Business Corporation Act or Section 48-54-101 of the Tennessee Nonprofit Corporation Act ]

2-14-02  
Signature Date

Kentucky Data Link, Inc.  
Name of Corporation

VP Tag  
Signer's Capacity

[Signature]  
Signature

Allen E. Walbert  
Name (typed or printed)

0371193

**BEFORE THE  
STATE OF TENNESSEE  
REGULATORY AUTHORITY**

**IN THE MATTER OF THE )  
APPLICATION OF )  
KENTUCKY DATA LINK, INC. )  
D/B/A CINERGY NETWORKS )  
FOR A CERTIFICATE TO )  
PROVIDE COMPETING LOCAL )  
TELECOMMUNICATIONS SERVICES )**

**TRA Docket No. 04-000111**

**PRE-FILED TESTIMONY**

**OF**

**JOHN C. GREENBANK**

**President**

**Kentucky Data Link, Inc. d/b/a Cinergy Networks**

**Q1. Will you please state your name and business address.**

A1 My name is John C Greenbank My business address is 1419 W. Lloyd Expressway, Suite 100, Evansville, Indiana 47710. My telephone number is (812) 456-1205 and facsimile number (812) 456-4731.

**Q2. By whom are you employed and in what capacity?**

A2 In my current capacity, I am President of Kentucky Data Link, Inc d/b/a Cinergy Networks ("KDL")

**Q3. Please give a brief description of your background and experience.**

A3 I have over 20 years of experience within the telecommunications industry. During my first ten years within the industry, I worked as an applications engineer with Sound Engineering and Design Company, of Springfield, Missouri, and as a senior applications engineer for American Telephone Distributors, located in Kansas City, Missouri. In 1992, CSI Corporation, a Kansas City interconnect company, hired me as president. From there, I became and currently serve as President of KDL. I am also a director and shareholder of Q-Comm Corporation, a privately held Nevada corporation, which is the parent company of KDL. My focus at KDL is to oversee the operations, product development, telecommunications training, and general management of the company as a whole. I have also served as a consultant to Digital Telecommunications Incorporation of Jackson, Tennessee, a switch manufacturer.

**Q4. What is the purpose of your testimony?**

A4 The purpose of this testimony is to present evidence on the technical and managerial capabilities of KDL to provide facilities-based local exchange services in Tennessee and to describe the services KDL proposes to offer.

**Q5. Has KDL registered to do business in Tennessee?**

A5 Yes. KDL received a Certificate of Authority in Tennessee on May 20, 1999 and approval of its Application for Assumed Name on February 19, 2002. A true and correct copy of these documents is attached hereto.

**Q6. Please describe the services KDL proposes to offer?**

A6. KDL plans to offer high speed service from DS-1 to OC-48 circuits primarily to other carriers and secondary to business customers. All services are available 24 hours a day/7 days per week.

**Q7. How are trouble reports handled?**

A7 KDL understands the importance of effective customer service for its customers. KDL has made arrangement for its customers to call the company at its toll-free customer service number (877) 700-4535. In addition, customers may contact the company in writing at the headquarters address, as well as via e-mail at [noc@kdlnet.com](mailto:noc@kdlnet.com). The toll-free number will be printed on the customer's monthly billing statements.

**Q8. How are billing errors and complaints handled?**

A8 Billing errors and complaints will be handled by the KDL Customer Service Center during normal business hours. After hours calls that are not of an emergency nature are recorded and handled the following business day.

**Q9. Do you believe KDL has the managerial capability of delivering its proposed services in Tennessee?**

A9 Yes. KDL has a team of experienced telecommunications and business managers. Brief resumes of key personnel are included with the filed Petition as Exhibit E.

**Q10. Do you believe KDL has the technical capability of delivering its proposed services in Tennessee?**

A10. Yes. KDL has experience in providing facilities-based local exchange services. KDL's current facilities-based local exchange services offered in Illinois, Indiana, and Kentucky attest to our abilities to operate as a viable facilities-based local exchange provider. The expansion of KDL's network into Tennessee will not only improve the quality of its facilities-based local exchange services, but will also expand the product options available to customers in Tennessee.

**Q11. Has KDL previously requested any type of authority from this Commission, and is KDL related either directly or indirectly with any other service provider in the State of Tennessee? If so, describe the affiliation or relationship.**

A11. Yes KDL obtained a CTA to provide intrastate telecommunication services as an interexchange carrier in Tennessee in Case No 99-00408, dated May 22, 2000. KDL's sister company, Cinergy Communications Company ("CCC"), obtained a CTA to offer resold interexchange telecommunication services and to provide operator services in Tennessee in Case No 95-03300, dated November 10, 1995. On July 30, 1997, CCC was authorized to offer local resale in the State of Tennessee. CCC obtained a CTA to provide facilities-based local exchange, intrastate interexchange, switched access, and special access services in Tennessee in Case No 01-00112, dated April 4, 2001

**Q12. Where in Tennessee does KDL intend to offer its services?**

A12 KDL is seeking authority to offer its services throughout the State of Tennessee

**Q13. How will consumers in Tennessee benefit from KDL's services?**

A13 We believe that granting KDL the requested authority will serve the public interest and necessity as it will provide Tennessee consumers a greater choice of telecommunication service providers within the state and will promote competition amongst local exchange service providers in the state

**Q14. Is KDL aware of the rules and policies of the Tennessee Regulatory Authority regarding the provisioning of telecommunication services and will it adhere to said rules, policies and orders?**

A14 Yes, KDL is familiar with and will strictly adhere to the rules, policies and orders of the Tennessee Regulatory Authority KDL has directed its regulatory department in working with and adhering to the administrative rules, policies and orders of the Tennessee Regulatory Authority. David Gibson will serve as point of contact for this department

**Q15. In accordance with Section 65-5-213 of the Tennessee Code, does KDL acknowledge the importance of supporting small and minority owned telecommunications businesses and does it agree to contribute its share to the fund established by the Tennessee Department of Economic and Community Development?**

A15 Yes, KDL acknowledges the importance of supporting small and minority owned telecommunications businesses and will fully contribute its share to the said fund Also, KDL by my hand has effectuated a Small and Minority Owned Telecommunications Business Participation Plan, and a copy of said plan, effective June 14, 1999, was attached to the Petition as Exhibit I.

**Q16. Mr. Greenbank, including the testimony you have given today, do you affirm to the best of your knowledge and recollection that that all information submitted to the Tennessee Regulatory Authority in conjunction with the Petition is accurate and true?**

A16 Yes, to the best of my knowledge and recollection, all said information provided to the Tennessee Regulatory Authority is accurate and true

**Q17. Does this conclude your testimony?**

A17 Yes.



**VERIFICATION**

I have read the foregoing document and know the contents thereof. I affirm that the foregoing representations are true to the best of my knowledge and belief

By: 

Printed

JOHN GREENBANK

Title

PRESIDENT

Date

2/6/04

State of Indiana

)

) SS.

County of Vanderburgh

)

Sworn and subscribed before me this 6 day of February, 2004.

W. Dianne Herrmann

Notary Public

W Dianne Herrmann

Printed

My Commission Expires: 03/20/2011

Secretary of State  
Division of Business Services  
312 Eighth Avenue North  
6th Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243

ISSUANCE DATE: 01/06/2004  
REQUEST NUMBER: 4993-0602A  
TELEPHONE CONTACT: (615) 741-6488

CHARTER/QUALIFICATION DATE: 05/20/1999  
STATUS: ACTIVE  
CORPORATE EXPIRATION DATE: PERPETUAL  
CONTROL NUMBER: 0371193  
JURISDICTION: KENTUCKY

TO:  
KENTUCKY DATA LINK, INC  
%ANTHONY CANDELARIO  
8829 BOND ST  
OVERLAND PARK, KS 66214

REQUESTED BY:  
KENTUCKY DATA LINK, INC  
%ANTHONY CANDELARIO  
8829 BOND ST  
OVERLAND PARK, KS 66214

CERTIFICATE OF AUTHORIZATION

I, RILEY C DARNELL, SECRETARY OF STATE OF THE STATE OF TENNESSEE DO HEREBY CERTIFY THAT

"KENTUCKY DATA LINK, INC.",

A CORPORATION FORMED IN THE JURISDICTION SET FORTH ABOVE, IS AUTHORIZED TO  
TRANSACTION BUSINESS IN THIS STATE;  
THAT ALL FEES, TAXES, AND PENALTIES OWED TO THIS STATE WHICH AFFECT THE  
AUTHORIZATION OF THE CORPORATION HAVE BEEN PAID;  
THAT THE MOST RECENT CORPORATION ANNUAL REPORT REQUIRED HAS BEEN FILED  
WITH THIS OFFICE; AND  
THAT AN APPLICATION FOR CERTIFICATE OF WITHDRAWAL HAS NOT BEEN FILED.

FOR: REQUEST FOR CERTIFICATE

ON DATE: 12/29/03

FROM:  
KENTUCKY DATA LINK INC  
8833 D BOND ST  
OVERLAND PARK, KS 66214-0000

RECEIVED:	FEES	
	\$20.00	\$0.00
TOTAL PAYMENT RECEIVED:		\$20.00

RECEIPT NUMBER: 00003398320  
ACCOUNT NUMBER: 00312683



*Riley C Darnell*

RILEY C DARNELL  
SECRETARY OF STATE

State of Tennessee



Department of State  
Corporate Filings  
312 Eighth Avenue North  
6th Floor, William R. Snodgrass Tower  
Nashville, TN 37243

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REGISTRATION OF  
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4. The assumed corporate name the corporation proposes to use is Cinergy Networks

[NOTE: The assumed corporate name must meet the requirements of Section 48-14-101 of the Tennessee Business Corporation Act or Section 48-54-101 of the Tennessee Nonprofit Corporation Act ]

2-14-02  
Signature Date

Kentucky Data Link, Inc.  
Name of Corporation

VP Tag  
Signer's Capacity

[Signature]  
Signature

Allen E. Walbert  
Name (typed or printed)

0371193